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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,957	08/31/2001	Leena K. Puthiyedath	P 280333	7700
27496	7590	04/10/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN LLP			USTARIS, JOSEPH G	
P.O BOX 10500			ART UNIT	
McLean, VA 22102			PAPER NUMBER	
			2623	
DATE MAILED: 04/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/942,957

Applicant(s)

PUTHIYEDATH, LEENA K.

Examiner

Joseph G. Ustaris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10 and 12-17 is/are allowed.
- 6) ☒ Claim(s) 1-4, 18-21 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 5-8, 22-25, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment dated 26 January 2006 in application 09/942,957. Claims 1-10 and 12-30 are pending. Claims 1-5, 8, 9, 12-15, 18-22, and 25 are amended.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 18-21, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Radha et al. (US006629318B1).

Regarding claim 1, Radha et al. (Radha) discloses method that “transmits a data stream of data packets having a known arrangement from a stream sender to a stream receiver via a network connection” (See Fig. 1; column 4 lines 4-38), wherein the stream adheres to MPEG4 technology that includes information about the “known arrangement” of the packets. The stream of data packets is stored on a buffer that is split into two sections (See Fig. 4), re-transmission region or “original data buffer” and a too-early for re-transmission request region or “rendered data buffer”. The system is then able to

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“analyze the transmitted data packets received at the stream receiver and stored in the original data buffer to determine whether any missing known data packets in the known data packet arrangement were not received by the stream receiver” (See column 4 lines 48-60) and then “requests from the stream sender to retransmit any missing known data packets not received at the stream receiver” (See column 4 lines 48-60). In response, the streaming video transmitter “retransmits any missing known data packets from the stream sender to the stream receiver”.

Regarding claim 2, inherently the system compares the received data packets to a “known arrangement of data packets” in order to successfully determine if a packet is missing.

Regarding claim 3, the re-transmission region of the buffer “recreates the data packets from the stream sender by integrating the missing known data packets from the retransmission into the data packets” stored within the buffer (See column 10 lines 18-54).

Regarding claim 4, the system is able to place the re-transmitted data packets in the appropriate temporal segments in order to keep the MPEG4 data packets in sequence or “reordering out of sequence data packets” (See column 10 lines 49-54).

Claim 18 contains the limitations of claim 1 (wherein the process is implemented as a program encoded on a computer readable medium (See column 4 line 64 – column 5 line 2)) and is analyzed as previously discussed with respect to that claim.

Claim 19 contains the limitations of claims 2 and 18 and is analyzed as previously discussed with respect to those claims.

Claim 20 contains the limitations of claims 3 and 18 and is analyzed as previously discussed with respect to those claims.

Claim 21 contains the limitations of claims 4 and 20 and is analyzed as previously discussed with respect to those claims.

Claim 26 contains the limitations of claims 1 and 2 (wherein the receiver 130 is the "stream receiver" (See Fig. 1)) and is analyzed as previously discussed with respect to that claim.

Claim 27 contains the limitations of claims 1 and 26 and is analyzed as previously discussed with respect to those claims.

Claim 28 contains the limitations of claims 3 and 27 and is analyzed as previously discussed with respect to those claims.

### ***Allowable Subject Matter***

3. Claims 9, 10, and 12-17 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 9, 10, and 12-17, the prior art of record fails to show or fairly suggest copying the data stream of data packets to an original data buffer and a rendered data buffer and to form a perceptual quality measurement score based on the original data buffer and the rendered data buffer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 5-8, 22-25, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 5-8, 22-25, 29, and 30, the prior art of record fails to show or fairly suggest comparing the recreated data packets at the original data buffer to the data packets stored at the rendered data buffer to form a perceived quality of streaming data score.

### ***Response to Arguments***

4. Applicant's arguments filed 26 January 2006 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1 and 18 that Radha does not disclose storing the data stream of data packets into both an original data buffer and a rendered data buffer. However, reading the claims in the broadest sense, Radha does meet the limitations of the claims. Radha discloses that the data packets run through both sections, the re-transmission region or "original data buffer" and the too-early for re-transmission request region or "rendered data buffer", of buffer 132 (See Fig. 4). Therefore, at some point in time, both the re-transmission region and the too-early for

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re-transmission request region would have stored the data stream of data packets in order to successfully deliver the data to the video decoder 134 (See Fig. 1).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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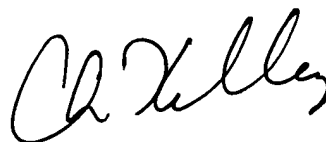
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JGU  
April 5, 2006



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